

United States District Court Western District  
Of Jackson Tennessee

Michael A. Carpenter  
Plaintiff

v.

Asst. Warden Ponds<sup>1</sup> etc.  
Defendant

RECEIVED BY

JAN 10 2022

Thomas M. Gould, Clerk  
U.S. District Court  
W.D. OF TN, Jackson

No. 1:21-cv-1112-SHM-tmp

Judge Samuel H. Mays Jr.

Jury Trial Demanded

This is a civil rights action filed by Michael A. Carpenter prison # 464450, a state prisoner, for damages and injunctive relief under 42 U.S.C. § 1983, alleging the violation of Mr. Carpenters First Amendment Right to Freedom of Speech and Freedom of Expression along with "Retaliation" and Deliberate Indifference under the Eighth Amendment to the United States Constitution.

### Jurisdiction

1. The court has jurisdiction over the plaintiff's claims of violation of federal constitutional rights under 42 U.S.C. § 1331 (a) and 1343.
2. The court has supplemental jurisdiction over the plaintiff's state law claims if any violation exist under 28 U.S.C. § 1367.

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1. Will use Asst. Warden Ponds name as such until I can get his full name.

## Parties

3. The plaintiff, Michael A. Carpenter, was incarcerated at South Central Correctional Facility P.O. Box 279 Clifton, Tenn. 38425 during the events described in this complaint.
4. Defendant Ponds is the Asst. Warden at South Central Correctional Facility. Asst. Warden Ponds is sued in his individual capacities, and official capacities.
5. Defendant Asst. Warden Ponds has acted, and continue to act, under color of state law at all times relevant to this complaint.
6. Core Civic is contracted with the State of Tennessee and Tenn. Dept. Corr. and is sued in their individual and official capacities. Asst. Warden Ponds works at a Core Civic Prison.

## Facts

7. On Nov. 3, 2019 or there about I was placed in T.Com at S.C.C.F.
8. On or around June 17, 2021 Ms. Newcom<sup>2</sup> was allowing inmate Pearson, Stanley in E-B-209 cell teach about Homosexuality in violation of Tenn. Dept. Corr. Policy, and saying that the Bible and God said it's o.k. to be gay.

I don't know why Ms. Newcom was allowing this when it is in violation of TDOC Policy and State and Church. I know she, herself is gay and maybe this is why she was allowing this.

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2. May be spelled wrong

9. During this time Defendant Asst. Warden Ponds came into the unit to do cell inspection<sup>3</sup>. When Asst. Warden Ponds came by my cell I asked him "it is against TDOC Policy to have Homosexual relations in prison isn't it. He did not respond. He finished cell inspection came back to me and asked what was that on my door. I said Leviticus 18:23 and Romans 1:24-28.

10. Around or about two days later on June 22, 2021 Asst. Warden Ponds came back to my cell with % Deloch<sup>4</sup> and told % Deloch to search my cell. He did, and he did not find any contraband.

11. Asst. Warden Ponds then had % Griffin<sup>5</sup> to make sure my property was packed and escorted me to Discovery B-pod where the majority of the inmates are gang members, where several stabbing have happened and one killing not long before Asst. Warden Ponds had me moved to this part of the prison.

12. As soon as % Griffin was gone, four Crips came into my cell and told me I had to pay rent or they

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3. Cell inspection is done daily by unit team and Wardens

4. May be spelled wrong

5. May be spelled wrong

10. There are other witnesses that will testify to the violent nature that goes on at the bottom of the prison at SCCF like in Discovery Unit.
11. As set forth in the Memorandum of Law submitted with this motion, these facts, along with the legal merits of the plaintiff's claims, support the appointment of counsel to represent the plaintiff.

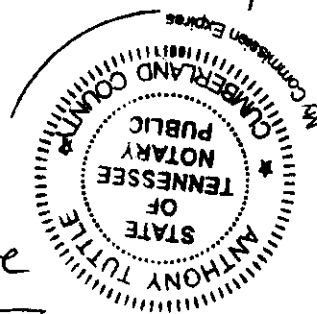
Wherefore, the plaintiff's motion for the appointment of counsel should be granted.

State of Tennessee  
County of Bledsoe

Sworn to before this 2 day  
of January 2022.

Notary Public: [Signature]

Respectfully Submitted  
Michael A. Carpenter  
Michael A. Carpenter



### Certificate Of Service

I, Michael A. Carpenter have sent by U.S. Mail a copy of the following to: U.S. Court Clerk Office 262 U.S. Courthouse 111 S. Highland Ave Jackson, Tenn 38301 and to Defendant Asst. Warden Ponds and Core Civic at SCCF 555 Forest Ave. Clifton, Tenn. 38425 on this 2 day of January 2022.

Respectfully Submitted  
Michael A. Carpenter  
Michael A. Carpenter #484450  
BCCX  
1045 Horsehead Rd  
Pikeville, Tenn. 37367

were going to start stabbing me.

13. The next day or or around June 23, 2021 these same Crips walked me to the prison phone and had me call my mother, I can't remember if it was this call or another call but I told her my life was in danger and these gang members wanted some money, one of the gang members got on the phone with my mom and had a 100<sup>00</sup> put on a cash app, and made me give them 50<sup>00</sup> in commissary.

14. A day or two later they came into my cell and told me I was going to start muling (putting drugs in my anus), I told them I can't and won't do that, they pulled a knife on me and melted wax/plastic on my penis and stuck a brush handle up my anus.

15. I was finally able to go to the clinic at which time Nurse Clinney<sup>6</sup> took my blood pressure and then had me escorted to pending protective custody after I told her I had to go because I did not feel safe, that my life was in danger if I stayed in that unit.

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6. May be spelled wrong

16. About a week later my penis started getting infected and I told the nurse that would come around and pass out medication. I needed to see someone cause I had been sexually assaulted. They took me to see a male nurse that confirmed that I had been sexually assaulted on my penis and anus.
17. The next day Nurse Practitioner Ms. Dean along with Internal Affairs Ms. Franks came to see me. Ms. Dean looked at my penis and the medical file that the male nurse documented my assault and Ms. Dean confirmed that I had been sexually assaulted in my anus.
18. About two days later I.A. Franks came to see me again, this time she had papers she wanted me to sign saying I had no injuries and that South Central was not responsible for my injuries. I told her I was not going to sign them. She asked why I didn't report the rap before now. I told her, like I told Ms. Dean "I was embarrassed, no man wants to admit they have been sexually assaulted or rapped. I.A. Franks gave me a grievance.
19. On July 12, 2021 I filed a grievance based on all the above. (See attached with Asst. Comm. Lee Dotson response dated July 19, 2021). I filed another one on Dec. 8, 2021 and appealed it all the way to the Asst. Commissioners Office Lee Dotson. (See Attached)

20. Nurse Clinney scheduled me to see the psychiatrist and he moved me from a Class one to a Class two patient.

21. About 2-3 days later I seen Nurse Dean again due to the pain on my penis and anus, she scheduled me to see an outside specialist.

22. About 3-weeks later I finally seen a specialist that scheduled me to have x-rays, but before I was taken to get the x-rays, I was transfered to Bledsoe Prison in Pikeville, Tenn..

### Claims for Relief

23. The actions of Defendant Asst. Warden Ponds was due to Plaintiff Mr. Carpenter invoking his First Amendment right to Freedom of Speech and Freedom of Expression that lead to Defendant Asst. Warden Ponds Retaliating against Mr. Carpenter in violation of the First Amendment. Defendant Asst. Warden Ponds actions were of Deliberate Interference to Mr. Carpenter's safety and well being in violation of the Eighth Amendment. Defendant Asst. Warden Ponds actions were done maliciously and sadistically to cause harm to Mr. Carpenter.

## Relief Requested

Wherefore, plaintiff request that the court grant the following relief:

A. Issue a declaratory judgment stating that:

1. Defendant Asst. Warden Ponds violated the plaintiffs rights under the First Amendment to the United States Constitution of Freedom of Speech and Expression.
2. Defendant Asst. Warden Ponds violated the plaintiffs rights under the First Amendment to the United States Constitution to Due Process without fear of Retaliation.
3. Defendant Asst. Warden Ponds violated the plaintiffs right under the Eighth Amendment to the United States Constitution of Deliberate Indifference when he had plaintiff moved to a high risk violent area of the prison for plaintiffs belief in not being gay, that caused the plaintiff to be sexually assaulted.



4. Core Civic is well known for running unsafe prisons and that South Central Correctional Facility in Clifton, Tenn. has had just this past year the Tennessee Bureau of Investigation come into this prison due to a pistol and drugs being found inside this prison and the gangs running rampant.

B. Award compensatory damages in the following amounts:

1. \$1,000,000 against defendants Asst. Warden Ponds and Core Civic for the physical and emotional injuries sustained as a result of the plaintiff's sexual assault.
2. \$1,000,000 against defendants Asst. Warden Ponds and Core Civic for the punishment and emotional injuries resulting from the plaintiff's Religious belief in homosexual relations that lead to defendants Retaliation against plaintiff by moving the plaintiff to a high risk violent area of the prison.
3. \$1,000,000 against defendants Asst. Warden Ponds and Core Civic for the physical and emotional injuries resulting from defendants failure to provide adequate safety the the plaintiff.

C. Award punitive damages in the following amounts:

1. \$1,000,000 against defendants Asst. Warden Ponds and Core Civic.

D. Grant such other relief as it may appear that plaintiff is entitled.

Respectfully Submitted  
Michael A. Carpenter  
Michael A. Carpenter

I declare under penalty of perjury that the foregoing is true and correct. Signed this 2 day of January 2022.

State of Tennessee  
County of Bledsoe

Sworn to before me this 2 day of January 2022.

Notary Public: A. Tuttle



## Certificate Of Service

I, Michael A. Carpenter #464450 have sent by U.S. Postage Service a copy to this Court United States District Court Clerks Office 262 U.S. Courthouse 111 S. Highland Ave. Jackson, Tenn. 38301 and to Defendants Asst. Warden Ponds and Core Civic at South Central Correctional Facility 555 Forest Ave. Clifton, Tenn. 38425 on this 2 day of January 2022.

Respectfully Submitted

Michael A. Carpenter

Michael A. Carpenter  
#464450

BCCX Men's Complex  
1045 Horsehead Rd  
Pikeville, Tenn.

37367